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C O N F I D E N T I A L SECTION 01 OF 02 YEREVAN 000752

SIPDIS

EUR FOR DAS KAIDANOW, DRL FOR LCAREY

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SUBJECT: DECEMBER BY-ELECTIONS TO BE DISAPPOINTING NON-EVENT

REF: YEREVAN 696

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Classified By: AMB Marie L. Yovanovitch, for reasons 1.4 (b,d).

SUMMARY

¶1. (C) The Ambassador and Garegin Azarian, the head of Armenia's Central Electoral Commission (CEC), discussed ways to address the systemic fraud that mars Armenia's elections. The Ambassador presented a three-page nonpaper outlining concrete steps the Mission believes the CEC could take to make vote fraud harder to commit. While admitting fraud was a perennial problem, Azarian stated that its level was not enough to alter the outcome of elections. That said, Azarian confided that he did not control what happened at individual voting precincts. He stubbornly rebutted the Ambassador's practical suggestions, however, arguing that absent a wholesale change to the existing electoral law political mentalities, small, concrete interventions would be futile. Changing Azarian's thinking is an uphill challenge, but post will not give up as we try to put to good use the lull in Armenia's national election cycle. END SUMMARY.

BY-ELECTIONS TO BE CONTESTED BY SINGLE CANDIDATES

¶2. (C) On October 23 the Ambassador met with Garegin Azarian, the long-standing chairperson of Armenia's CEC, to discuss the importance of the upcoming December 6 and January 10 by-elections for three vacated parliament seats (reftel), and to continue the electoral reform dialogue initiated by the Embassy prior to Yerevan's May 31 mayoral election. (NOTE: The three seats are those vacated in September when Speaker of the Parliament Hovik Abrahamian stripped them from the three MPs controversially convicted for their alleged roles in the 2008 postelection unrest. END NOTE.)

¶3. (C) Azarian surprised the Ambassador by informing her that the two upcoming December 6 by-elections for the vacated parliamentary seats of ex-MPs Hakob Hakobian and Sasun Mikaelian--two of the four MPs who supported ex-President Levon Ter-Petrossian's dispute of the February 2008 presidential election and wound up in jail for doing so--would be contested by single candidates. He shared that just the evening before he had received a letter from the ex-MP Hakobian notifying the CEC that he was withdrawing from the race for his old seat, and that a third candidate, a member of Armenia's Marxist party, withdrew his candidacy in order to contest the January 10 by-election for the vacated seat of ex-MP Khachatur Sukiasian. Azarian also noted that in the other two-man race for the seat vacated by ex-MP Sasun Mikaelian, one of the candidates recently withdrew because he

could not raise enough money to pay the election deposit required of candidates.

14. (C) The Ambassador replied that it was a great shame that the candidates withdrew from the two races, saying the December 6 by-elections could have been a golden opportunity for the authorities to conduct clean elections and undo some of the setbacks of previous elections, including Yerevan's May 31 mayoral election. The Ambassador then urged Azarian to seize the opportunity of a "lower stakes" election--one with single candidates--to introduce new practices in election administration that would make it harder to commit fraud. Azarian demurred, responding that while he was open to new ideas, his approach is to undertake "only those decisions that I think I can implement and that will have an effect."

CEC HEAD RESISTANT TO EMBASSY SUGGESTIONS

15. (C) After the fraudulent May 31 Yerevan mayoral election, the Embassy and USAID consulted with IFES and the local It's Your Choice (IYC) election observation NGO to come up with practical steps the Central Electoral Commission could take to decrease, deter, and de-incentivize fraud during Armenian elections. The Ambassador presented these suggestions in a three-page non-paper (emailed to EUR/CARC and DRL) to Azarian, and reviewed several of the suggestions: how to keep unauthorized individuals out of polling stations during the vote and vote count; rotating members of precinct electoral commissions (PECs) to precincts where they would not be influenced/intimidated by individuals outside of the electoral administration (ie, neighborhood thugs and their bosses); and getting police to be more active in defending

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the integrity of voting precincts. The Ambassador asked that Azarian consider and share his feedback on these suggestions.

16. (C) Azarian said he would have to study the suggestions, but disagreed that small, concrete steps would be the solution to addressing vote fraud. He also asserted that while vote fraud is a problem, it does not significantly alter the outcome of Armenia's elections. Azarian claimed that he has eradicated fraudulent behavior at the CEC and the Territorial Electoral Commissions (TECs) around Armenia, but in an astonishing burst of candor admitted he has been unable to do so at the PEC levels. He argued that the way to combat vote fraud in general was to a) change the political culture; b) dilute the impact that fraud can have on election outcomes; and c) remove incentives for fraud in the way elections are competed in Armenia.

17. (C) In specific, Azarian said vote fraud could be lowered by changing the composition of PECs so that they exclude political party representatives; competing elections on a party list basis only instead of the current combination of party list and majoritarian seat races; and helping develop political parties so that they contest elections in a credible fashion. On political party development, Azarian barely concealed his disdain for opposition parties, calling them irresponsible for prefacing every election with claims that fraud by pro-governmental parties would explain their eventual defeat. Azarian also said to dilute the impact of fraud, it was necessary to redraw PECs around the country so that they cover larger territory--and voters--and make it harder for vote-riggers' dirty tricks to have a significant impact. He also argued that decreasing the numbers of election observers and proxies for candidates would decrease the amount of skullduggery in polling places.

18. (C) The Ambassador disagreed with Azarian's views, arguing that reducing proxies and election observers was fraught with the risk that legitimate observers could be barred from monitoring elections. The Ambassador also said she thought it

didn't make a difference if Armenia used a party list system or a majoritarian one, since powerful, controversial figures in the country appeared to get elected either way; moreover, in the Armenian context where the ruling coalition has an unparalleled advantage over the opposition (in terms of representation on PECs, etc), and where parties polling below a certain threshold are cut out entirely, a party list-based election magnifies the votes of citizens who voted for the winners and devalues the votes of citizens who voted for the losers. The Ambassador also disagreed that reducing the number of PECs by consolidating them into larger election districts would lower fraud, arguing that it would raise the stakes--and incentive to commit fraud--in the larger districts.

COMMENT

19. (C) The withdrawals of the candidates for the two December 6 by-elections represent a sudden, unexpected, and unfortunate development. As DAS Kaidanow had told Armenia's leadership during her October 19-20 visit, the USG viewed these elections as an opportunity for the authorities to conduct clean polls and continue the momentum created by the June 19 amnesty on the democracy front. Post plans to inquire with the candidates as to their sudden change of heart, and to see whether there is more to these developments than meets the eye. We will also continue to work with Azarian on reforms to the election process. Not surprisingly, Azarian prefers to focus on what others--such as legislators and political party leaders--need to do rather than the small changes he, as CEC chairman, could actually implement himself. END COMMENT.
YOVANOVITCH